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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,427	10/03/2001	Lori A. Houston		4314

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HOUSTON, TX 77070

EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/16/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/970,427

Applicant(s)

HOUSTON, LORI A.

Examiner

Robert J Mendoza

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3713

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 11-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Paulsen (USPN 6,628,939).**

Regarding claims 11 and 20, Paulsen, in FIGS. 1-3, col. 1:34-64, col. 2:57-67, col. 3:1-21, col. 3:34-67, col. 4:35-67 and col. 6:1-56, discloses a user input device adapted for use in conjunction with a casino gaming program executed by a personal computer, the user input device comprising a housing containing electronic circuitry adapted to receive electronic signals from the personal computer indicative of a game being played. Paulsen, in FIGS. 1-3, col. 1:34-64, col. 2:57-67, col. 3:1-21, col. 3:34-67, col. 4:35-67, col. 5:1-57 and col. 6:1-56, discloses a plurality of buttons connected to the electronic circuitry and configurable in response to the electronic signals from the personal computer to correspond to available game play options such that pressing one of the plurality of buttons causes the electronic circuitry to send electronic signals to the personal computer indicative of a play decision.

Regarding claims 12 and 21, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses at least one display configured to display a mode corresponding to the game being played.

Art Unit: 3713

Regarding claims 13 and 22, Paulsen, in FIGS. 1-3, col. 1:34-64, col. 2:57-67, col. 3:1-21, col. 3:34-67, col. 4:35-67, col. 5:1-57 and col. 6:1-56, discloses the display is an LCD display.

Regarding claims 14 and 23, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses at least one of the plurality of buttons comprises a button display adapted to display a game play decision activated by the at least one button.

Regarding claims 15 and 24, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses the button display is an LCD display.

Regarding claims 16 and 25, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses at least one primary decision button and at least one secondary decision button.

Regarding claims 17 and 26, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses the at least one primary decision button comprises a button display adapted to display a game play option activated by the at least one primary decision button.

Regarding claims 18 and 27, Paulsen, in FIGS. 1-3, col. 3:34-67, col. 4:35-67, col. 5:1-57, col. 7:65-67, col. 8:1-55 and col. 9:1-67, discloses the button display is an LCD display.

Regarding claims 19 and 28, Paulsen, in FIGS. 1-3, col. 1:34-64, col. 2:57-67, col. 3:1-21, col. 3:34-67, col. 4:35-67, col. 5:1-57 and col. 6:1-56, discloses the circuitry sends and receives electronic signals to and from the personal computer using a USB interface.

Art Unit: 3713

**Response to Arguments**

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3713

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached at (703) 308-2064. The USPTO official fax number is (703) 872-9306.

RM

RM  
November 8, 2004



XUAN M. THAI  
PRIMARY EXAMINER

AM 3713